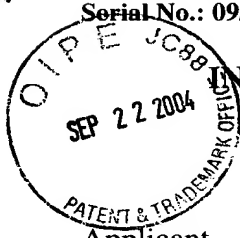


CUSTOMER NO. 24498

Serial No.: 09/555,188

RCA 88,863



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Before the Board of Patent Appeals and Interferences

Applicant : Thomas A. Stahl et al.  
Serial No. : 09/555,188  
Filed : September 13, 2000  
For : Device Interoperability Utilizing Bit-Mapped On-Screen Display  
Menus  
Examiner : Victor R. Kostak  
Art Unit : 2614

**APPEAL BRIEF**

May It Please The Honorable Board:

This is Appellants' Brief on Appeal from the final rejection of claims 1 - 4, 7 - 10, Claims 5, 6 and 11 - 14 having been indicated to be allowable. Please charge the \$330.00 fee for filing this Brief to Deposit Account No. 07-0832. Appellants waive an Oral Hearing for this appeal.

Please charge any additional fee or credit overpayment to the above-indicated Deposit Account. Enclosed is a single copy of the Brief.

**I. REAL PARTY IN INTEREST**

The real party in interest of Application Serial No. 09/555,188 is the Assignee of record:

Thomson Licensing S.A.

46 Quai A. Le Gallo

10/06/2004 CNGUYEN 00000012 070832 09555188 F-92648 Boulogne Cedex, France

01 FC:1402 330.00 DA

**II. RELATED APPEALS AND INTERFERENCES**

There are currently, and have been, no related Appeals or Interferences regarding Application Serial No. 09/555,188 known to the undersigned attorney.

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**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in a postage paid envelope addressed to: Mail Stop: Appeal Briefs - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Signature B. Bullock

Date: 9/20/04

### **III. STATUS OF THE CLAIMS**

Claims 1 - 4, and 7 - 10 are rejected and the rejection of claims 1 - 4 and 7 - 10 are appealed. Claims 5 - 6 and 11 - 14 are indicated to be allowable over the prior art. Claims 1, 7 and 12 - 14 are objected to for informalities. The objections for the informalities of claims 1, 7 and 12-14 are not subject to this appeal, as the informalities will be addressed after a decision is reached with regard to this appeal.

### **IV. STATUS OF AMENDMENTS**

An Amendment After Final was submitted on July 20, 2004. It is unknown if the Amendment After Final has been entered. The Amendment After Final amended Claims 1, 7, 12 - 13 in order to overcome The Examiner's objections. It will be assumed for purposes of this Appeal that the Amendment After Final has not been entered.

### **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Independent claim 1 recites a digital apparatus comprising a means for receiving from a peripheral bit-mapped data representative of an on-screen display associated with the peripheral device (10, 12 and 14 and page 2, lines 22 - 23, page 4, lines 28 - 29 and page 5, lines 29 - 31), a means for receiving a digital stream representative of a video program (page 2, line 24), and a means for combining within the digital apparatus the bit-mapped data and the digital stream (14 and page 2, lines 23 - 24 and page 5, lines 36 - 37).

Independent claim 7 recites a method for managing an on-screen display menu (page 1, lines 9 - 10) of a peripheral device interconnected to a display device via a digital bus (page 2, lines 16 - 18), the digital bus receiving, from the peripheral device, a message (22) indicative of the characteristics of a block of bit-mapped data stored in a memory device associated with the peripheral device, the bit-mapped data being associated with an on-screen display menu of the peripheral device (page 2, lines 24 - 27 and page 5, lines 12 - 15 and page 6, lines 22 - 23 and OSD Update Trigger Object table on page 20 at line 1), generating and providing asynchronous read request command to the peripheral device (page 5, lines 7 - 9 and page 7, lines 14 - 17 and page 19, lines 28 - 34), receiving, in response to the asynchronous read request command, the bit-mapped data from the peripheral device (page 5, lines 12 - 15), receiving a digital stream representative of a video program (page 2, line 24) and combining the bit-mapped data received from the peripheral device and the digital stream to produce a combined displayable image (14 and page 2, lines 23 - 24 and page 5, lines 36 - 37), the combined image being representative of the on-screen display associated with the peripheral device.

Independent claim 10 recites a digital television apparatus, comprising means for receiving from a peripheral device, interconnected by a digital bus, bit-mapped data representative of an on-screen display associated with the peripheral device (10, 12 and 14 and page 2, lines 22 - 23, page 4, lines 28 - 29 and page 5, lines 29 - 31), means for receiving from the peripheral device, interconnected by the digital bus, subsequent bit-mapped data representative of an updated portion of the previously transferred bit-mapped data, the subsequent bit-mapped data being indexed into the previously transferred bit-mapped data (page 6, line 13 to page 7, line 4, page 7, lines 18 - 20, page 8, lines 1 - 8 and page 8, lines 22 - 23) and means for combining, in the digital television, the bit-mapped data or the subsequent bit-mapped data with a received digital stream representative of a video program to generate a combined displayable image (page 2, lines 23 - 24, page 7, lines 26 - 28, page 8, lines 8 - 9 and page 12, line 1).

#### **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The Examiner has rejected claims 1 - 4 and 10 as anticipated under 35 USC 102(e) by Bril (U.S. 6,259,487), hereinafter "Bril".

The Examiner has rejected claims 7 - 9 as being unpatentable under 35 USC 103(a) over Bril (same as above).

#### **VII. ARGUMENT**

##### **Rejection of Claims 1 - 4 and 10 under 35 USC 102(e) over Bril (U.S. 6,259,487).**

The present invention is directed to providing interoperability between multiple electronic devices that are connected together via a digital data bus, for example the IEEE 1394 bus. In particular, the present invention recognizes that when a digital apparatus, for example a DTV, which is capable of processing a digital stream representative of a video program, is coupled to a peripheral device, it is desirable to enable the apparatus to receive OSD data associated with the peripheral device in bit-mapped form, and to combine the bit-mapped data with the digital stream to produce a signal representative of a combined displayable image.

Independent Claim 1 recites:

(a) means for receiving from a peripheral device, interconnected by a digital bus, bit-mapped data representative of an on-screen display associated with said peripheral device;

(b) means for receiving a digital stream representative of a video program; and

(c) means for combining, in said digital apparatus, said bit-mapped data received from said peripheral device and said digital stream to produce a signal representative of a combined displayable image (emphasis added)

However, and in contrast to the present invention, Brill describes a television system which includes an on-screen display (OSD) controller, which stores the network application data and other display entities in a memory module as separate bit maps (see Abstract, col. 2 lines 9 - 18, col. 3, lines 64 - 66). Further, specifically the "data may be received in one of known formats such as ASCII, HTML, VRML etc. which are encoded as electrical signals" (see col. 5, lines 63 - 65). That is, Brill specifically calls for the network interface 110 to receive encoded data. "The OSD controller 170 transforms the network application data as is suitable for storage and retrieval from memory module 180" (see col. 6, lines 9 - 11). While Brill stores the OSD data as bit-maps, the OSD receives encoded signals transforming the encoded signals into bit maps for storage. Further, Brill describes storing the network application data and other display entities in a memory module as separate bit maps.

Brill does not disclose receiving bit-mapped data from the peripheral device representative of an on-screen display associated with the peripheral device. Further, Brill does not disclose combining the bit-mapped data received from the peripheral device with the digital stream in the digital apparatus to produce a combined displayable image. Accordingly, Brill also does not disclose the apparatus as recited in independent claim 1 and highlighted above and, therefore, it is respectfully submitted that Brill does not anticipate the present invention as recited in independent claim 1.

Independent Claim 10 recites:

(a) means for receiving from a peripheral device, interconnected by a digital bus, bit-mapped data representative of an on-screen display associated with said peripheral device;

(b) means for receiving from said peripheral device, interconnected by a said digital bus, subsequent bit-mapped data representative of an updated portion of said previously transferred bit-mapped data, said subsequent bit-mapped data being indexed into said previously transferred bit-mapped data; and

(c) means for combining, in said digital television, said bit-mapped data or said subsequent bit-mapped data with a received digital stream representative of a video program to generate a combined displayable image (emphasis added)

For similar reasons Brill does not expressly disclose the apparatus recited in independent claim 10 and highlighted above and, therefore, it is respectfully submitted that Brill does not anticipate the present invention as recited in independent claim 10.

Furthermore, Claims 2 - 4 depend directly or indirectly from Claim 1. It is, therefore, respectfully submitted that Claims 2 - 4 are also not anticipated and patentable over the art of record for at least these reasons as well as additional features contained therein.

**Rejection of Claims 7 - 9 under 35 USC 103(a) over**  
**Bril (U.S. 6,259,487).**

The present invention is directed to providing interoperability between multiple electronic devices that are connected together via a digital data bus, for example the IEEE 1394 bus. In particular, the present invention recognizes that when a digital apparatus, for example a DTV, which is capable of processing a digital stream representative of a video program, is coupled to a peripheral device, it is desirable to enable the apparatus to receive OSD data associated with the peripheral device in bit-mapped form, and to combine the bit-mapped data with the digital stream to produce a signal representative of a combined displayable image.

Independent Claim 7 recites:

receiving, from said peripheral device, a message indicative of the characteristics of a block of bit-mapped data stored in a memory device associated with said peripheral device, said bit-mapped data being associated with an on-screen display menu of said peripheral device;

(b) generating and providing asynchronous read request command to said peripheral device;

(c) receiving, in response to said asynchronous read request command, said bit-mapped data from said peripheral device;

(d) receiving a digital stream representative of a video program; and

(e) combining said bit-mapped data received from said peripheral device and said digital stream to produce a combined displayable image, said combined image being representative of said on-screen display associated with said peripheral device (emphasis added)

However, and in contrast to the present invention, Bril describes a television system which includes an on-screen display (OSD) controller, which stores the network application data and other display entities in a memory module as separate bit maps (see Abstract, col. 2 lines 9 - 18, col. 3, lines 64 - 66). Further, specifically the "data may be received in one of known formats such as ASCII, HTML, VRML etc. which are encoded as electrical signals" (see col. 5, lines 63 - 65). That is, Brill specifically calls for the network interface 110 to

receive encoded data. "The OSD controller 170 transforms the network application data as is suitable for storage and retrieval from memory module 180" (see col. 6, lines 9 - 11).

While Brill stores the OSD data as bit-maps, the OSD receives encoded signals transforming the encoded signals into bit maps for storage. Further, Brill describes storing the network application data and other display entities in a memory module as separate bit maps.

Thus, in fact, Brill teaches away from both receiving bit-mapped OSD data from a peripheral device and from combining and storing the bit-mapped OSD data together with a digital stream to produce a combined displayable image. Accordingly, it is respectfully submitted that the present invention as recited in independent claim 7 is not obvious over Brill.

Claims 8 and 9 depend directly or indirectly from Claim 7. It is, therefore, respectfully submitted that Claims 8 and 9 are also patentable over the art of record for at least these reasons as well as additional features contained therein.

### VIII CONCLUSION

In light of the above remarks, it is respectfully submitted that the appealed claims are not anticipated and, therefore, are patentable over the art of record.

Respectfully submitted,

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Patent Operations  
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Date: 9-12-2004

**APPENDIX I - APPEALED CLAIMS**

1. A digital apparatus comprising:
  - (a) means for receiving from a peripheral device, interconnected by a digital bus, bit-mapped data representative of an on-screen display associated with said peripheral device;
  - (b) means for receiving a digital stream representative of a video program; and
  - (c) means for combining, in said digital apparatus, said bit-mapped data received from said peripheral device and said digital stream to produce a signal representative of a combined displayable image.
2. The digital apparatus of claim 1 further comprising:
  - (a) means for receiving subsequent bit-mapped data representative of an updated portion of the previously received data; and
  - (b) means for updating said combined displayable image with said received subsequent bit-mapped data to produce an updated combined displayable image, said updated combined displayable image being associated with said peripheral device.
3. The digital apparatus of claim 2 wherein a portion of said combined displayable image is overwritten, said digital apparatus further comprising:
  - (a) means for requesting from said peripheral device said bit-mapped data corresponding to said overwritten portion of said combined displayable image; and
  - (b) means for receiving from said peripheral device said bit-mapped data.
4. The digital apparatus of claim 3 further comprising:

means for selecting said peripheral device from a plurality of available peripheral devices interconnected by said digital bus.
7. A method for managing an on-screen display menu of a peripheral device interconnected to a display device via a digital bus, the display device performing the steps of:
  - (a) receiving, from said peripheral device, a message indicative of the characteristics of a block of bit-mapped data stored in a memory device associated with said peripheral device, said bit-mapped data being associated with an on-screen display menu of said peripheral device;

- (b) generating and providing asynchronous read request command to said peripheral device;
- (c) receiving, in response to said asynchronous read request command, said bit-mapped data from said peripheral device;
- (d) receiving a digital stream representative of a video program; and
- (e) combining said bit-mapped data received from said peripheral device and said digital stream to produce a combined displayable image, said combined image being representative of said on-screen display associated with said peripheral device.

8. The method of claim 7 wherein said message contains the location and size of said block of bit-mapped data stored in said memory device.

9. The method of claim 8 wherein said data comprises a header and a bit-mapped update block, said header defining the parameters of said on-screen display menu and said bit-mapped update block defining the location and content of said menu.

10. A digital television apparatus, comprising:

- (a) means for receiving from a peripheral device, interconnected by a digital bus, bit-mapped data representative of an on-screen display associated with said peripheral device;

- (b) means for receiving from said peripheral device, interconnected by said digital bus, subsequent bit-mapped data representative of an updated portion of said previously transferred bit-mapped data, said subsequent bit-mapped data being indexed into said previously transferred bit-mapped data; and

- (c) means for combining, in said digital television, said bit-mapped data or said subsequent bit-mapped data with a received digital stream representative of a video program to generate a combined displayable image.



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**APPENDIX II - EVIDENCE**

Not Applicable

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**APPENDIX III - RELATED PROCEEDINGS**

Not Applicable

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**APPENDIX IV - LIST OF REFERENCES**

<b><u>U.S. Pat. No.</u></b>	<b><u>Issued Date</u></b>	<b><u>Inventors</u></b>
6,259,487	July 10, 2001	Bril